

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 2007- 17

AN ORDINANCE ANNEXING 1.81 ACRES, APPROVING THE HIGHLAND HILLS SUBDIVISION ANNEXATION (ZCA2007-00003) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on October 9, 2007, to consider the annexation of one (1) parcel (Washington County Tax Map 2S109AB, Tax Lot 300) of land located north of SW Bull Mountain Road and withdrawal of said property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Tigard Water District for certain debt obligations, however, in this instance the Tigard Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District on October 9, 2007; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed property from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcel described in the attached Exhibit "A" and shown in Exhibit "B" and withdraws said parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" as findings in support of this decision; a copy of the staff report is attached hereto as Exhibit "F" and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District shall be the effective date of this annexation.

SECTION 6: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2008.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 9th day of October, 2007.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 9th day of October, 2007.

Sydney L. Sherwood
Craig Dirksen, Mayor Council President

Approved as to form:

Janeth V. Rouns
City Attorney

10.9.07
Date



Centerline Concepts, Inc.

EXHIBIT "A"

February 27, 2006
Shady Peak

That tract of land described in document no. 2003-174218, Washington County deed records, in the NE 1/4 of Section 9, T.2S., R.1W., W.M., Washington County, Oregon, being more particularly described as follows:

BEGINNING at the northwest corner of Lot 28, "Raven Ridge", Washington County Plat records; thence S00°05'57"E on the west line of said Lot 28, a distance of 52.45 to the most westerly southwest corner of said Lot 28; thence S89°58'23"W on the north line of that tract of land described in document no. 90-041679, Washington County deed records, a distance of 250.00 feet to the east line of that tract of land described in document no. 2005-008270, Washington County deed records; thence N00°05'57"W on said east line and the east line of that tract of land described in document no. 91-030146, Washington County deed records, a distance of 315.00 feet to the southwest corner of that tract of land described in deed book 803, page 479, recorded January 11, 1971, Washington County deed records; thence S89°58'11"E on the south line of said book 803, page 479 tract, a distance of 250.00 feet to the most westerly northwest corner of said "Raven Ridge"; thence S00°05'57"E on the west line of said "Raven Ridge" a distance of 262.53 feet to the POINT OF BEGINNING.

Said tract of land contains 78,748 square feet more or less.

Subject to easements of record.

ANNEXATION CERTIFIED

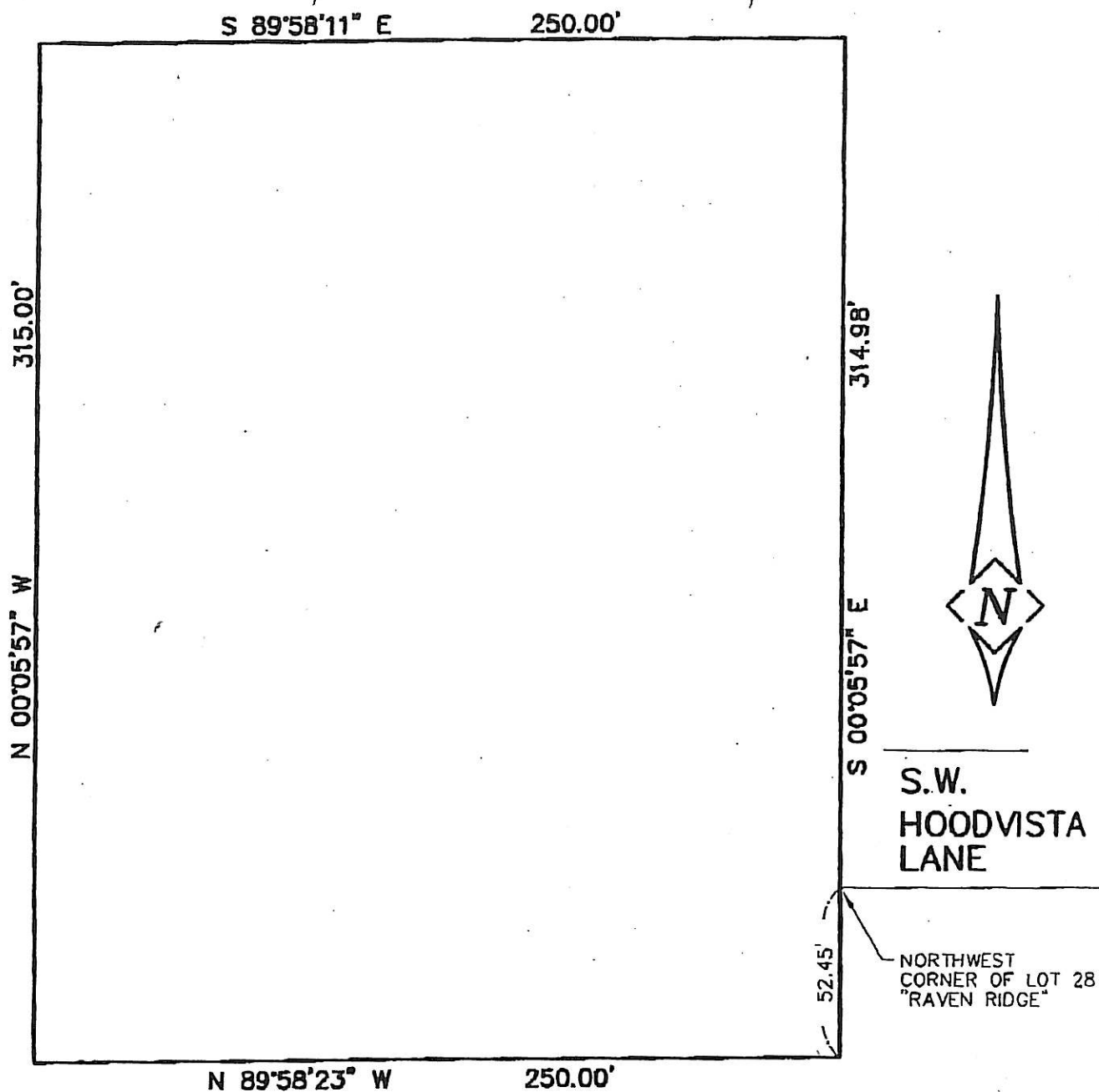
BY FDR

JUL 24 2007

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

Q:\DOCS\LGLDESC\Shady1546-02LegalForAnnexWash2-27-2006.doc

700 Molalla Avenue Oregon City, Oregon 97045
503 650-0188 fax 503 650-0189



SIGNED ON: 2-27-06

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Waide G. Donovan III
OREGON
JULY 16, 1987
WAIDE G. DONOVAN III
2276

VALID THROUGH DECEMBER 31, 2007

N.E. 1/4 SEC. 9, T.2S., R.1W., W.M.

WASHINGTON COUNTY, OREGON

FEBRUARY 27, 2006

DRAWN: MSG CHECKED: WGDIII

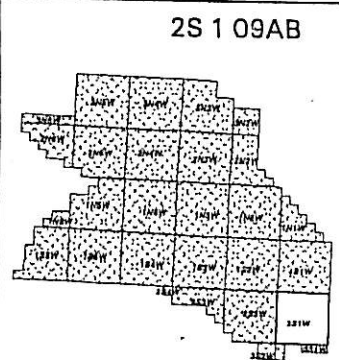
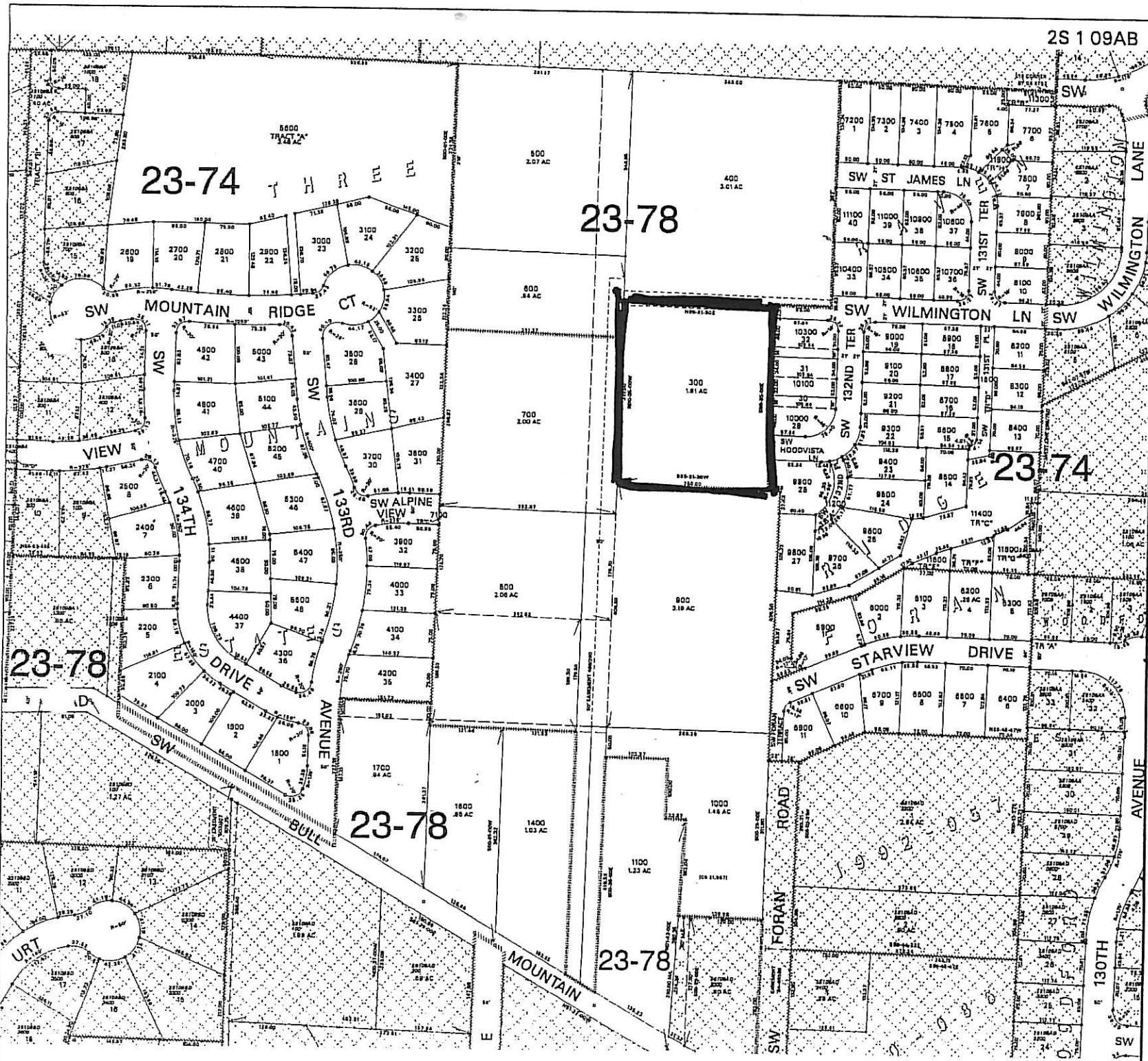
SCALE 1"=50' ACCOUNT # 1546-02

M: \PROJECTS\SHADYPEAK-02\SHADYP-EX

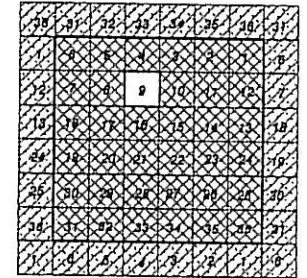


Centerline Concepts Inc.

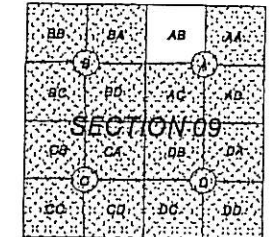
700 MOLALLA AVE., OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189



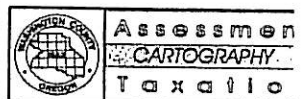
WASHINGTON COUNTY OREGON
NW 1/4 NE 1/4 SECTION 09 T2S R1W W.M.
SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S109AB
1300, 1200, 1800, 100, 200, 7000, 10200, 11700, 8700, 8800.



PLOT DATE: March 10, 2005
FOR ASSESSMENT PURPOSE:
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by either gray shading or a cross-hatch pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate for the most current information.

EXHIBIT B

TIGARD
2S 1 09AB

EXHIBIT C

TO THE COUNCIL OF THE CITY OF TIGARD, OREGON:

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Tigard. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for Annexation.

LEGEND:

PO - Property Owner

RV - Registered Voter

OV - Property Owner & Registered Voter

PAGE 1 OF 1

[illegible]

DOUBLE MAJORITY WORKSHEET FOR ANNEXATION TO THE CITY OF TIGARD

Please list all properties/registered voters included in the proposal. (If needed, use separate sheets for additional listings.)

PROPERTIES

PROPERTY DESIGNATION (Tax Lot Numbers)	NAME OF PROPERTY OWNER	TOTAL ACRES	ASSESSED VALUE OF THE PROPERTY	SIGNED PETITION	
				YES	NO
25109AB T.L. 300	SHADY PEAK DEVELOPMENT	1.81	\$581,910.-	✓	
TOTALS					

REGISTERED VOTERS

ADDRESS OF REGISTERED VOTER	NAME OF REGISTERED VOTER	SIGNED PETITION	
		YES	NO
13273 S.W. BULL MOUNTAIN ROAD	SHADY PEAK DEVELOPMENT	✓	
TOTALS			

SUMMARY

TOTAL NUMBER OF REGISTERED VOTERS IN THE PROPOSAL: 2
 NUMBER OF REGISTERED VOTERS WHO SIGNED PETITION: 2
 PERCENTAGE OF REGISTERED VOTERS WHO SIGNED PETITION: 100%
 TOTAL ACREAGE IN THE PROPOSAL: 1.81
 ACREAGE SIGNED FOR: 100%
 PERCENTAGE OF ACREAGE SIGNED FOR: 100%
 TOTAL NUMBER OF SINGLE-FAMILY UNITS: 1
 TOTAL NUMBER OF MULTI-FAMILY UNITS: 0
 TOTAL NUMBER OF COMMERCIAL STRUCTURES: 0
 TOTAL NUMBER OF INDUSTRIAL STRUCTURES: 0

HIGHLAND HILLS SUBDIVISION ANNEXATION

SUBJECT
SITE



0 80 160 240 320 400 Feet

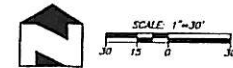
1" = 312 feet



<http://www.ci.tigard.or.us>

Plot date: Aug 15, 2007; C:\magic\MAGIC03.APR

EXHIBIT E



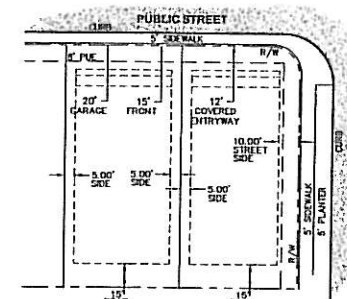
LEGEND

---	EXISTING BOUNDARY	---	PROPOSED CENTERLINE
---	EXISTING RIGHT-OF-WAY	---	EXISTING CENTERLINE
---	PROPOSED YARD SETBACK LINE	---	FUTURE CENTERLINE
---	PROPOSED LOT LINE	---	8' PUBLIC UTILITY EASEMENT
---	PROPOSED RIGHT-OF-WAY	---	PROPOSED EASEMENT

NOTES:

- TRACT "A" IS A WATER QUALITY FACILITY TRACT TO CLEAN WATER SERVICES.
- REMAINING PORTION OF RIGHT-OF-WAY FOR SW WILMINGTON WILL BE DEDICATED WITH FUTURE DEVELOPMENT OF PROPERTY TO HORTIL.

LOT AND TRACT CURVED DATA TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD BEARING
C1	36.32'	160.00'	19.25'	13°43'23"	38.23'	S 83°08'19" W
C2	12.30'	205.00'	6.15'	3°26'18"	12.30'	H 77°59'46" E
C3	36.91'	205.00'	18.50'	10°18'54"	38.06'	N 84°52'22" E
C4	22.02'	14.00'	14.03'	90°07'46"	19.82'	S 44°57'56" W
C5	21.09'	14.00'	14.00'	90°00'00"	19.80'	S 45°05'57" E
C6	21.99'	14.00'	14.00'	90°00'00"	19.80'	S 44°54'03" W



TYPICAL LOT SETBACKS
NOT TO SCALE

LOT AVERAGING CALCULATIONS				
LOT	AREA (SF)	CODE	DESIGNED	
1	5,097	MIN. LOT AREA =	4,000	4,657
2	4,744	MIN. AVG. LOT AREA =	4,500	4,922
3	4,703			
4	4,703			
5	4,681			
6	4,657			
7	4,693			
8	4,688			
9	4,682			
10	4,676			
11	6,841			
	54,145			

DESIGN DEVELOPMENT PLANS

FILE: 00-BASE
DATE: 11/02/2006
DESIGNED: RCH
DRAWN: RCH
CHECKED: ENE

UP PROJECT NO.
HPN 06-001

CASE FILE NO.
PENDING

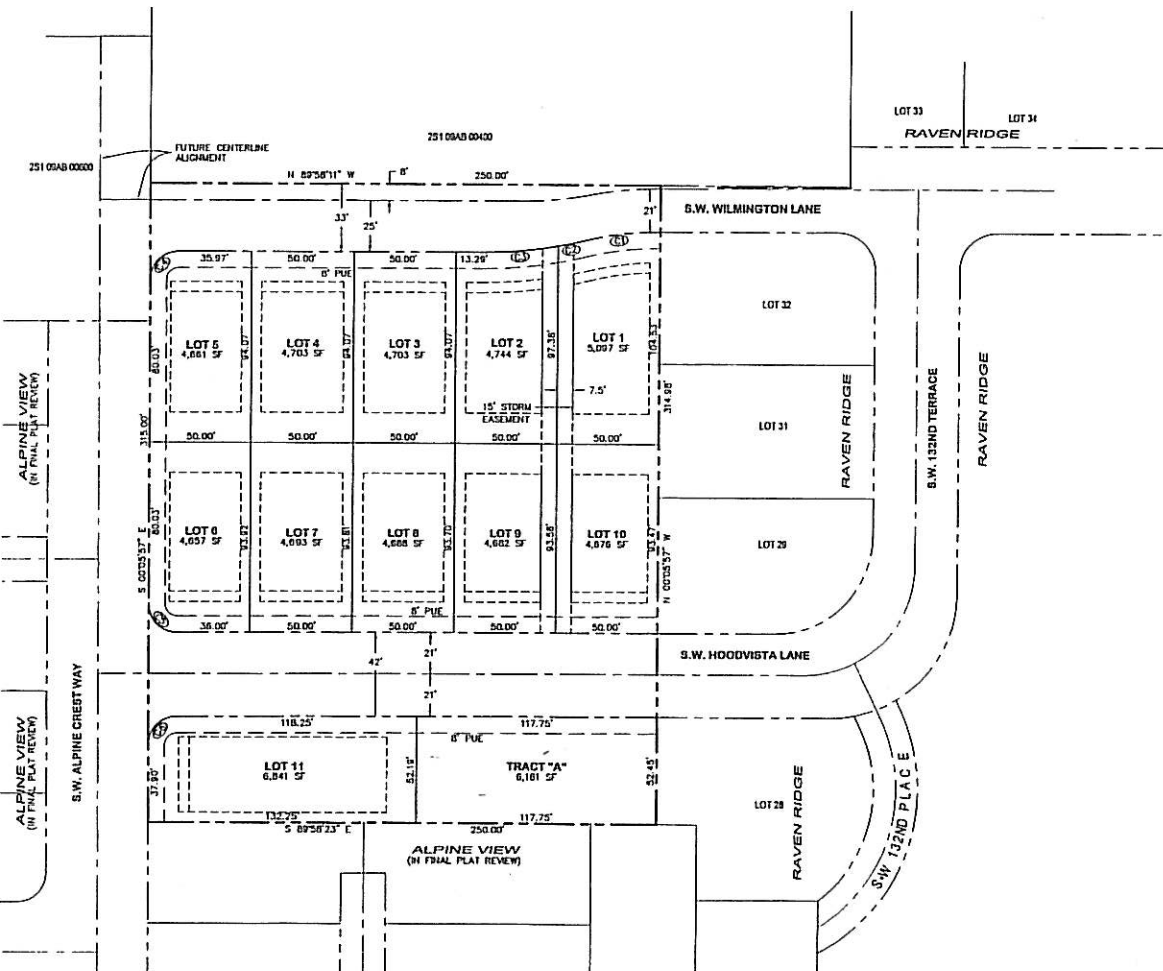
SHEET TITLE
PRELIMINARY
PLAN

SHEET NUMBER
D3

PRELIMINARY PLAN HIGHLAND HILLS

13273 SW BULL MOUNTAIN ROAD, PORTLAND, OREGON 97224
HIGHLAND PROPERTIES

LANPACIFIC
1001 SE West Avenue, Suite 300, Portland, Oregon 97214
503.233.1234
www.lanpacific.com



Agenda Item: _____

Hearing Date: October 9, 2007 Time: 7:30 PM

**STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: HIGHLAND HILLS SUBDIVISION ANNEXATION
CASE NO: Zone Change Annexation (ZCA) ZCA2007-00003

APPLICANT/ OWNER:	Shadypeak Development, LLC Attn: Tom Secolo/ Nate Schwalbach 2675 SW Thurman Street Portland, OR 97210	APPLICANT'S REP:	Planning Resources, Inc. Attn: Dan Jung 7160 SW Fir Loop, Suite 201 Portland, OR 97223
------------------------------	--	-----------------------------	---

PROPOSAL: Annexation of one parcel just north of SW Bull Mountain Road containing a total of 1.81 acres to the City of Tigard. The applicant has received land use approval from Washington County to develop the parcel into an 11-lot subdivision (Highland Hills Subdivision, case file #07-034-S); however, the available sewer, water and storm drainage connections are within the City of Tigard, requiring the property to be annexed into the City to receive services. Shady Peak Development, the sole owner of the subject parcel, has consented to the annexation. The owners of five neighboring properties were invited to join the annexation, but did not accept the invitation.

LOCATION: 13273 SW Bull Mountain Road (north of SW Bull Mountain Road, just west of Raven Ridge subdivision); WCTM 2S109AB, Tax Lot 300.

CURRENT ZONE: R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District. The average lot area for single family detached dwellings within a proposed development shall be no less than 4,500 square feet and the minimum lot area shall be 4,000 square feet. The minimum lot area for single family attached units shall be 3,500 square feet.

EQUIVALENT CITY ZONE: R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. Note: In a subdivision, lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district as long as the average lot area for all lots is not less than allowed by the underlying zoning district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.

**APPLICABLE
REVIEW**

CRITERIA: ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexation (ZCA2007-00003) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390. Therefore, staff recommends APPROVAL of ZCA2007-00003 by adoption of the attached ordinance.

SECTION III. BACKGROUND INFORMATION

The 1.81-acre subject property is north of SW Bull Mountain Road with access to it through a private shared driveway. The subject property abuts the northern boundary of Alpine View subdivision, east of SW 133rd Avenue. The property slopes down about 9% to 10% from west to east. There are no Significant Habitat Areas on the subject property per the City's adopted map. The existing house was built in 1963. An accessory structure also exists on the site.

Shadypeak Development, LLC, purchased the property on April 25, 2006. Tom Secolo and Nate Schwalbach, representatives of the company, initiated the annexation request. There are no registered voters on the property. The City invited the owners of the five neighboring properties to join the annexation, but did not receive a response.

The applicant requests approval of annexation of one parcel (1.81 acres) to the City of Tigard. Staff found all right-of-way associated with the subject property to already be within City limits. The private accessway adjacent to the subject property is already in the City. Therefore, no right-of-way is included in the total acreage.

The owner received land use approval from Washington County on May 18, 2007 for an 11-lot subdivision (Highland Hills Subdivision, case file #07-034-S). However, the available sewer, water and storm drainage connections are within the City of Tigard, requiring the property to be annexed into the City to receive services.

SECTION IV. APPLICABLE REVIEW CRITERIA, FINDINGS AND CONCLUSIONS

State: ORS Chapter 222

Regional: Metro Code Chapter 3.09

City: Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

1. Chapter 18.320.020: Approval Process and Standards.

B. Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;

The City of Tigard Comprehensive Plan's Urbanization Chapter (Policy 10.1.1) defines services as water, sewer, drainage, streets, police, and fire protection. Each service is addressed below.

Policy 10.1.1 further defines capacity as "adequate capacity, or such services to be made available," to serve the parcel "if developed to the most intense use allowed," and "will not significantly reduce the level of services available to developed and undeveloped land in the City of Tigard."

Water – City of Tigard. Tigard Water District currently serves the subject property. Upon annexation, City of Tigard will be the provider. Rob Murchison, Project Engineer in the Public Works Department, submitted comments on behalf of the Department that it does not object to the proposed annexation. Murchison states that the developer may be required to upsize the existing 4-inch water line on the north side of the property to an 8-inch line per the City of Tigard Water Master Plan. Water is available in SW Wilmington Road and SW Hood Vista Lane.

Sewer – Clean Water Services/City of Tigard. Upon annexation, the City of Tigard will be the provider of sewer service. According to pre-application notes by Kim McMillan (City of Tigard Engineering Department) dated April 6, 2006, the proposed territory would have access to an 8-inch sanitary sewer line in SW Wilmington Road and SW Hood Vista Lane. Prior to building, the development must connect to public sanitary sewer. It will be the developer's responsibility to extend the public sewer to serve the development and adjacent unserved properties.

Drainage – Clean Water Services/City of Tigard. Upon annexation, the City of Tigard will be the provider of storm drainage. The proposed territory has access to a City storm line in SW Wilmington Road and SW Hood Vista Lane. Prior to building, the development will be required to connect to the public drainage system.

Streets – City of Tigard Capital Construction & Transportation Division. The subject property is located adjacent to and east of SW Alpine Crest Way, which is adjacent to Alpine View Subdivision, approved by the City on July 18, 2005. Raven Ridge subdivision to the east contains two City street connections (SW Wilmington Lane and SW Hood Vista Lane) to which the development will connect. The County has required the developer to extend SW Wilmington Lane and SW Hood Vista Lane.

Police – City of Tigard Police Department. The City of Tigard Police Department reviewed the proposal and has no objections to it.

Fire – Tualatin Valley Fire and Rescue (TVF&R). The subject property is in Tualatin Valley Fire and Rescue's (TVF&R's) service area. TVF&R currently serves the subject property and will continue to serve it after it is annexed.

Based upon this review, staff finds that all public services (as defined by the Comprehensive Plan) are available to the proposed annexation territory and all public services have sufficient capacity to provide service to the proposed annexation territory.

2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.

Three Comprehensive Plan policies apply to the proposed annexation: 2.1.1, 10.1.1., and 10.1.2. Staff has determined that the proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

Policy 2.1.1: Citizen Involvement. The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed and published notice of the public hearing as follows. The City posted the hearing notice at four public places on August 24, 2007: Tigard Library, Tigard City Hall,

Tigard Permit Center, and in the vicinity of the proposed territory off SW Bull Mountain Road. The City published notice of the hearing in *The Tigard Tualatin Sherwood Times* for two successive weeks (September 20, 2007 and September 27, 2007) prior to the October 9, 2007, public hearing. The City also mailed notice to all interested parties and surrounding property owners within 500 feet on September 17, 2007). In addition, the City maintains a list of interested parties organized by geography. Notice was mailed to interested parties in the West area on September 17, 2007, including former members of Citizen Involvement Team West. Staff finds that this policy is met.

Policy 10.1.1: Urbanization. Prior to the annexation of land to the City of Tigard, a) the City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard: 1. Water; 2. Sewer; 3. Drainage; 4. Streets; 5. Police; and 6. Fire Protection.

As addressed under 18.320.020 above, adequate service is available to the proposed annexation territory. Upon annexation, the subject property will be zoned R-7, a Medium-Density Residential zone, with a minimum lot size of 5,000 square feet. The proposed territory has an estimated maximum density of 12 residential units and estimated minimum density of 10 units¹. There will be 11 units based on the County-approved design.

The development will be required to connect to public service facilities, such as sewer, storm drainage and water, and provide the necessary street improvements. Based on findings by the applicant and City staff, there is adequate capacity to serve the annexation area (water, sewer, drainage, streets, police, fire protection) if developed to 11 residential units. The proposed annexation will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

Staff concludes that there is adequate capacity to serve the proposed territory (water, sewer, drainage, streets, police, fire protection) if developed to the density permitted, and the proposed annexation will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

b) If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following: 1. The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: a) Water, b) Sewer, c) Drainage, and d) Streets. 2. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

This criterion does not apply. No capital improvements program requires a nonremonstrance agreement for this area. Some urban services are already available for the proposed annexation territory; others are available nearby and would require connections from the proposed annexation area. However, these public facility requirements have been assigned as part of the recent development review by the County.

c) The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.

The proposed territory is within the Tigard Urban Planning Area and within the City's Urban Growth Boundary. Upon annexation, urban services will be provided as outlined in the Washington County-Tigard Urban Planning Area Agreement, Tigard Urban Services Agreement and current City policies. Staff finds that this policy is met.

Policy 10.1.2: Urbanization. Approval of proposed annexations of land by the City shall be based on findings with respect to the following: a) The annexation eliminates an existing "pocket" or "island" of unincorporated territory; or, b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City; c) The Police Department has commented upon the annexation; d) the land is located within the Tigard Area of Interest and is contiguous to the City boundary; e) The annexation can be accommodated by the services listed in 10.1.1(a).

¹ Using formula for density calculation in Chapter 18.715 of the Development Code.

- a) The proposed annexation territory is part of an island of unincorporated territory. Therefore, the proposed annexation would help reduce an island of unincorporated territory.
- b) The proposed annexation will not create an irregular boundary that will make it difficult for the police to locate a parcel in an emergency situation. By reducing the island of unincorporated territory, the City's boundary will become more regular.
- c) The City of Tigard Police Department has commented and has no objections to the proposed annexation.
- d) The *UPAA (2006)* includes the proposed annexation territory within Tigard's Area of Interest. The proposed annexation territory is contiguous to the City on three sides, where it abuts Alpine View Subdivision to the west and south and Raven Ridge subdivision to the east.
- e) Lastly, as section 10.1.1.(a) demonstrated, the annexation can be accommodated by the following services: water, sewer, drainage; streets; police; and fire protection.

Items a through e have been met. Therefore, staff finds that the proposed annexation meets Policy 10.1.2.

Policy 10.1.3: Urbanization. Upon annexation of land into the City which carries a Washington County zoning designation, the City of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the county zoning designation.

Section 18.320.020.C of the Community Development Code provides specifics on this conversion. See Table 18.320.1.

**TABLE 320.1
CONVERSION TABLE FOR COUNTY AND CITY PLAN AND ZONING DESIGNATIONS**

Washington County Land Use Districts/Plan Designation	City of Tigard Zoning	City of Tigard Plan Designation
R-5 Res. 5 units/acre	R-4.5 SFR 7,500 sq. ft.	Low density 1-5 units/acre
R-6 Res. 6 units/acre	R-7 SFR 5,000 sq. ft.	Med. density 6-12 units/acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-12 Res. 12 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-15 Res. 15 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
R-24 Res. 24 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
Office Commercial	C-P Commercial Professional	CP Commercial Professional
NC Neighborhood Commercial	CN Neighborhood Commercial	CN Neighborhood Commercial
CBD Commercial Business District	CBD Commercial Business District	CBD Commercial Business District
GC General Commercial	CG General Commercial	CG General Commercial
IND Industrial	I-L Light Industrial	Light Industrial

The subject property is zoned R-6 by Washington County. Table 320.1 summarizes the conversion of the County's plan and zoning designations. R-6 County zoning converts to the City's R-7 zoning. As this is a Zone Change Annexation (ZCA) application, upon approval and execution of the proposed annexation, the proposed territory will automatically convert to R-7 zoning. In addition, the City's Comprehensive Plan designation for medium-density residential will be applied to this area.

Chapter 18.320.020

C. Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

As the previous section demonstrated, the City of Tigard R-7 zoning district is the most similar to Washington County's R-6 zoning district. The subject property is currently R-6 and will automatically become R-7 upon annexation. This zone conversion will occur concurrently with the annexation process. There have been no requests for zoning other than R-7.

City of Tigard Community Development Code

2. Chapter 18.390.060: Type IV Procedure

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020.B, which were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 10 days prior to the hearing by mail and to publish newspaper notice; the City mailed notice on September 17, 2007, and published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (September 20, 2007 & September 27, 2007) prior to the October 9, 2007, public hearing.

Additionally, Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

The City's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals. As reviewed above, the annexation proposal meets the existing Comprehensive Plan policies and therefore is in compliance with state planning goals.

2. Any federal or state statutes or regulations found applicable;

ORS 222:

State law (ORS 222.120(4)(b), ORS 222.125 and ORS 222.170(1)) allows for a city to annex contiguous territory when owners of land in the proposed annexation territory submit a petition to the legislative body of the city. ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

The sole owner of land within the proposed territory has signed a petition for annexation to the City. The proposed annexation territory is contiguous to the City's boundary on three sides.

The City published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (September 20, 2007 & September 27, 2007) prior to the October 9, 2007, public hearing and posted the hearing notice at four public places on August 24, 2007: Tigard Library, Tigard City Hall, Tigard Permit Center, and in the vicinity of the proposed territory off SW Bull Mountain Road. Staff finds that the provisions of ORS 222 have been met.

3. Any applicable METRO regulations;

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Note that this report is available 15 days before the hearing (September 24, 2007 for an October 9, 2007, hearing). Staff has determined that the applicable METRO regulations (Metro Code 3.09.040(b) &(d)) have been met based on the following findings:

Metro 3.09.040 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

As addressed previously in this report, urban services are available to the affected territory.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable provisions of urban service provider agreements, *UPAA (2006)*; and *TUSA (2006)*.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable policies of the City of Tigard Comprehensive Plan and urban service provider agreements (*UPAA (2006)* and *TUSA (2006)*). The proposed annexation territory is within the Urban Growth Boundary and subject to the Regional Framework Plan and Urban Growth Management Functional Plan provisions. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. However, the City's Comprehensive Plan and Development Code have been amended to comply with Metro functional plan requirements. By complying with the Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

The proposed territory will remain within Washington County but will be required to be withdrawn from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District and the Tigard Water District upon completion of the annexation.

(5) The proposed effective date of the decision.

The public hearing will take place October 9, 2007. If the Council adopts findings to approve ZCA2007-00003, the effective date of the annexation will be 30 days later on November 8, 2007.

Metro Code 3.09.040 (d)

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

As addressed previously in this application, the proposed annexation complies with all applicable provisions of urban service provider agreements (*UPAA (2006)* and the *TUSA (2006)*). The proposed annexation is in the Area of Interest and Urban Service Area, which are subject to the *UPAA* and *TUSA*. The agreements state that the County and City will be supportive of annexations to the City. Therefore, the proposed annexation is consistent with these agreements.

2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

The *UPAA (2006)* includes the proposed annexation territory. The City has followed all processing and notice requirements in the *UPAA*, providing Washington County with 45-day notice prior to the public hearing. The agreement states that "so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City." The annexation proposal is consistent with this agreement.

As previously stated in this report, this proposal meets all applicable City of Tigard Comprehensive Plan provisions. This criterion is satisfied.

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

This criterion was addressed under Metro Code 3.09.040(b). By complying with the City of Tigard Community Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

The proposed annexation will not interfere with the provision of public facilities or services because it is consistent with the terms of the *TUSA (2006)*, which ensures the timely, orderly, and efficient extension of public facilities and urban services; it is contiguous to existing city limits and services; and lastly, urban services are available to the proposed annexation territory and have not been found to significantly reduce existing service levels.

6. The territory lies within the Urban Growth Boundary; and

The proposed territory is within Metro's Urban Growth Boundary.

7. Consistency with other applicable criteria for the boundary change in question under state and local law.

In previous sections, this report reviewed the proposal's consistency with other applicable criteria and found it to be consistent.

(Tigard CDC 18.390.060)

4. Any applicable comprehensive plan policies; and

As demonstrated in previous sections of this report, the proposed annexation is consistent with, and meets, all applicable comprehensive plan policies.

5. Any applicable provisions of the City's implementing ordinances.

There are no specific implementing ordinances that apply to this proposed annexation. The Development Code (Chapter 18 of the City Code) will apply to the proposed territory if or when it develops.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Public Works Department reviewed the proposal and has no objections.

The City of Tigard Police Department has reviewed the proposal and has no objections.

The City of Tigard Engineering Department was provided the opportunity to comment on the annexation, but did not comment. However, the Department made comments during the pre-application and County review phases, indicating that the subject property was required to annex into the City to receive City services.

SECTION VIII. AGENCY COMMENTS

Tualatin Valley Fire and Rescue, which currently serves the proposed territory, has been given the opportunity to comment, but did not comment.

The Beaverton School District has reviewed the proposal and notes that the subject property is not within the Beaverton School District (BSD). BSD does not expect the annexation would impact its facilities and, therefore, has no objections.

SECTION IX. PUBLIC COMMENTS

The City mailed notice surrounding property owners within 500 feet and all interested parties on September 17, 2007. As of the date of this report, staff has not received any written comments.


PREPARED BY: Emily Eng
Assistant Planner

9/24/2007

DATE


REVIEWED BY: Richard Bewersdorff
Planning Manager

9/24/2007

DATE